

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, and Guy Pfalzgraff, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. Absent was Councilmember Bill Seuell. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

Councilmember Jurca requested to add an executive session at the end of the meeting.

**Minutes**

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the minutes of September 15, 2009 regular meeting and September 22, 2009 special meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Code Review**

Community Development Director Glen Black reported that staff has been reviewing the code regarding sexually oriented businesses within the City and has found some inconsistencies in the code. Mr. Black explained the current code. He stated that staff feels it was the intent to limit sexually oriented businesses to only the I-1 and I-2 districts. There are many large tracts of land along the highway corridors and also the golf course and land surrounding which are currently zoned B-3. Staff does not feel the B-3 district is an appropriate area for this type of business. The I-R district is transitional district which allows residential uses and again staff doesn't believe this would be an appropriate area. Mr. Black listed the following changes staff would recommend to the code: 8.32.020(a) - business located in "I-1" or "I-2" Zoning Districts and 17.04.210(b)(1) - I-R District -Those uses which are used by right in the I-1 District not including sexually oriented businesses allowed under 17.04.190(b)(7).

Mr. Black pointed out the districts on the map and explained the I-R district.

There was a consensus amongst Council to direct staff to proceed with making the appropriate changes.

**Resolution #5, 2009; Colorado Rural Housing**

Resolution #5, 2009

A RESOLUTION OF THE CITY COUNCIL OF DELTA, COLORADO, REJECTING THE OFFER OF THE COLORADO RURAL HOUSING DEVELOPMENT CORPORATION AND DENYING THE REQUEST FOR SPONSORSHIP OF A CBDG GRANT APPLICATION OF COLORADO RURAL HOUSING DEVELOPMENT CORPORATION

was read by the Clerk.

City Manager Lanny Sloan stated that Council directed him at the last meeting to prepare this resolution rejecting the offer from Colorado Rural Housing. Mr. Sloan reiterated the reasons of rejecting the offer that are listed in the resolution. He explained that he worked with Attorney Earl Rhodes in preparing this resolution.

Mr. Sloan also stated that the City did send a letter requesting that some things be taken care of regarding the investigation. A response letter was received stating that they do not want to address the City's request at this time.

**Regular Meeting, Delta City Council, October 6, 2009 (Cont.)**

**Resolution #5, 2009; Colorado Rural Housing (cont.)**

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Resolution #5, 2009. Roll call vote: Councilmembers Jurca aye, Carlquist aye, Pfalzgraff aye and Cooper aye. Motion carried.

**Resolution #6, 2009; Appointing Interim City Manager**

Resolution #6, 2009

APPOINTING GLEN L. BLACK AS INTERIM CITY MANAGER

was read by the Clerk.

Mayor Cooper explained the purpose of the resolution. She stated that Mr. Black will provide daily reports as to what is happening with the City during this time.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Resolution #6, 2009. Roll call vote: Councilmembers Jurca aye, Carlquist aye, Pfalzgraff aye and Cooper aye. Motion carried.

**City Attorney Comments**

City Attorney Michael Schottelkotte commented on the retirement of City Manager Lanny Sloan.

**City Manager Comments**

City Manager Lanny Sloan thanked Council for the opportunity to work for the City of Delta. He also thanked the employees of the City.

**Councilmember Comments**

Councilmembers Jurca, Carlquist and Pfalzgraff thanked Mr. Sloan for his service and wished him luck with his retirement.

Mayor Cooper also thanked Mr. Sloan for his service. She reminded everyone of the reception on October 16<sup>th</sup> at the Golf Course from 5 to 7pm in honor of Mr. Sloan's retirement.

**Executive Session**

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to convene an Executive Session for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 7:15 p.m. the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 7:43 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, and Guy Pfalzgraff, along with City Clerk Jolene Nelson, Deputy City Clerk Renee Neubauer, Human Resources Director Jeri Karsten and City Manager Lanny Sloan. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

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Jolene E. Nelson, City Clerk